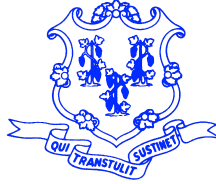


The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: September 25, 2012

Regulation No:	2012-40
Agency:	Department of Emergency Services and Public Protection
Subject Matter:	Original Appointment and Reappointment to the Position of Police Officer
Statutory Authority: (copy attached)	7-294e

	Yes or No
Mandatory	N
Federal Requirement	N
Permissive	Y

For the Committee's Information:

Substantive Concerns:

1. Section 7-294e-2(e) of the Regulations of Connecticut State Agencies currently provides that a candidate for comparative certification or lateral certification to any position other than that of an entry level police officer position is not required to meet the

entry level standards concerning a validated written examination (Sec. 7-294e-16(e)) or an entry physical fitness test (Sec. 7-294e-16(n)).

On page 2, the amendment to section 7-294e-2(e) deletes the applicability of this provision to candidates for lateral certification. However, on page 1, section 7-294e-2(a) is amended to exempt all candidates for lateral certification from the physical fitness testing standard, but is silent as to the written examination requirement for lateral certification. It is unclear, therefore, if the deletion of the written examination exemption in section 7-294e-2(e) was intentional or inadvertent. The agency only refers to the exemption from the physical fitness testing standard in the "Statement of Purpose" and makes no mention of deleting the existing exemption from the written examination standard for candidates for lateral certification.

2. On page 3, section 7-294e-8 is amended to delete subsections (d) and (e) concerning the requirements for, and the issuance of, master certificates and firearm certificates, respectively. The reason given by the agency for this deletion is that those types of certificates are no longer being issued. However, the existing language of section 7-294e-12(d) and (e) of the Regulations of Connecticut State Agencies also sets forth requirements for master and firearms certificates; those provisions are not amended in this submittal. It is unclear if those provisions concern the same certificates proposed for deletion in this submittal. If so, then section 7-294e-12 would need to be amended accordingly.

Technical Corrections:

1. Throughout the regulation, in the introductory language to each section, "amended as follows:" should be "amended to read as follows:", for proper form.

2. On page 1, in Section 1, the catchline should read "**Original [certification, lateral certification and comparative certification] appointment and reappointment to the position of police officer**", to accurately reflect the text of the existing catchline and for proper form.

3. On page 1, in section 7-294e-1(a)(2), "pre_employment" should be "[preemployment] pre-employment", for proper form.

4. On page 1, in section 7-294e-1(a), a new subdivision (6) should be added as follows: "(6) 'Council' means the Police Officer Standards and Training Council.", for proper form and accuracy of reference.

5. Because of the technical correction noted in #4, above, on page 1, in section 7-294e-1(a)(3), "(the Council)" should be deleted, in section 7-294e-1(a)(4) "and" should be deleted, and in section 7-294e-1(a)(5) "." should be replaced with "[.] ; and", for proper form.

6. On page 1, in Sec. 2, in the catchline, ";" should be ":", for accuracy and proper form.

7. On page 1, in section 7-294e-2(a), on page 2, in two places in section 7-294e-2(b), on page 2 in three places in section 7-294e-2(c), and on page 2, in section 7-294e-2(e), "Council" should be "[council] Council", to accurately reflect the text of the existing regulation and for proper form.
8. On page 1, in section 7-294e-2(a), "except the Entry Physical Fitness Testing Standard" should be "except the standard in subsection (n) of section 7-294e-16 of the Regulations of Connecticut State Agencies", for consistency with the format in subsection (e) of this section.
9. On page 2, in section 7-294e-2(b), "originated" should be "originates", to accurately reflect the text of the existing regulation.
10. On page 2, in section 7-294e-2(c), "Council-approved" should be "[council approved] Council-approved", to accurately reflect the text of the existing regulation and for proper form.
11. On page 2, in section 7-294e-2(d), "[Police Officer Training Council] Council" should be "[Police Officer Standards and Training Council] Council", to accurately reflect the text of the existing regulation and for proper form.
12. On page 2, in section 7-294e-2(d), "[A]" should be "[A)]", to accurately reflect the text of the existing regulation and for proper form.
13. On page 2, in section 7-294e-2(d), "[B]" should be "[B)]", to accurately reflect the text of the existing regulation and for proper form.
14. On page 2, in Sec. 3, the proposed amendments to section 7-294e-4(b) of the Regulations of Connecticut State Agencies and section 7-294e-4(c)(4) of the Regulations of Connecticut State Agencies should be set forth in separate sections. Therefore, the introductory language for Sec. 3 should read: "Sec. 3. Subsection (b) of section 7-294e-4 of the Regulations of Connecticut State Agencies is amended to read as follows:"
15. On page 3, in section 7-294e-4(b), "written requests" should be "written requests", for proper form.
16. On page 3, after the amendment to subsection (b) of section 7-294e-4, a new section 4 should be added with introductory language as follows: "Sec. 4. Subdivision (4) of subsection (c) of section 7-294e-4 of the Regulations of Connecticut State Agencies is amended to read as follows:", for proper form.
17. On page 3, in section 7-294e-4(c)(4)(B), in lines 1 and 3, "chairman" should be "Chairman", to accurately reflect the text of the existing regulation.
18. On page 3, "Sec. 4" should be renumbered "Sec. 5." due to the addition of a new Sec. 4, as specified in technical correction #16. Furthermore, while this section proposes to delete provisions concerning the issuance of "master" certificates and "firearms" certificates in subsections (d) and (e) respectively, there are references to "master" and

"firearms" certificates in the prefatory language to the existing regulation. Therefore, the entire text of this regulation should be included, with introductory language as follows: "Sec. 5. Section 7-294e-8 of the Regulations of Connecticut State Agencies is amended to read as follows:". The first sentence of the prefatory language of that section should then be amended as follows: "[Five] Three types of instructor certificates are issued by the Council: [(a)] (1) General, [(b)] (2) Provisional, [(c)] and (3) Standard, [(d)] Master, and (e) Firearms.]", for accuracy and proper form.

19. On page 4, "Sec. 5." should be renumbered "Sec. 6." and, in the introductory language, "is amended as follows:" should be "are amended to read as follows:", for proper grammar and form.

20. On page 4, in section 7-294e-14(b), in the third line down, "to be" should be deleted to accurately reflect the text of the existing regulation.

21. On page 4, in section 7-294e-14(c)(2), "prior to commencement" should be "prior to the commencement" to accurately reflect the text of the existing regulation.

22. On page 4, in section 7-294e-14(c)(2), "will not" should be "shall not", in accordance with the committee's directive regarding mandates.

23. On page 4, in section 7-294e-14(c)(2), "all persons who have not" should be "any person who has not" and "an individual's" should be "such person's", for internal consistency and proper grammar.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part X Rejection without prejudice</p>

Reviewed by: Richard D. Taff / Anne Brennan Carroll

Date: September 10, 2012

Sec. 7-294e. Recertification of police officers. Regulations. (a) Notwithstanding the provisions of any general statute or special act or local law, ordinance or charter to the contrary, each police officer shall forfeit such officer's appointment and position unless recertified by the council according to procedures and within the time frame established by the council.

(b) The Police Officer Standards and Training Council may recommend to the Commissioner of Emergency Services and Public Protection any regulations it deems necessary to carry out the provisions of section 7-294a, subsection (a) of section 7-294b, sections 7-294c and 7-294d and this section, giving due consideration to the varying factors and special requirements of law enforcement units.

(c) The Commissioner of Emergency Services and Public Protection may adopt regulations, in accordance with the provisions of chapter 54, as are necessary to implement the provisions of section 7-294a, subsection (a) of section 7-294b, sections 7-294c and 7-294d and this section. Such regulations shall be binding upon all law enforcement units, except the Division of State Police within the Department of Emergency Services and Public Protection.